

Remarks

Status of the Claims

Claims 1, 8 and 11 have been amended. Claim 16 stands cancelled and claims 5-7, 10 and 17-23 stand withdrawn. Claims 1-4, 8, 9 and 11-15 are active in the application. Claims 1, 8 and 11 are independent claims.

As used herein, references to the Office Action indicating bracketed paragraphs, as such: (para. X), refer to paragraphs in the subject Office Action

Claims 1-4, 8 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hossainy in view of Versteeg.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hossainy in view of Versteeg and further in view of U.S. Patent No. 6361819 to Tedeschi et al. (Tedeschi).

In applying Hossainy as the principal reference, the Examiner has cited specifically Example 6, contained in patent columns 11 and 12. More particularly, the Examiner states that the reference teaches the use of the same nozzle to form like micron-size droplets for forming a film coating conformally on a three-dimensional stent substrate using the same volatile liquid and "cloud" coating formation as Applicant. The Examiner further states that the microdroplets of the reference must inherently impact "isotropically" on a stent in the same manner as in Applicant's claimed method. The Examiner specifically states that Example 6 teaches coating the stent in a spray cloud, just as is done by Applicant, with a dwell time in the range of 15 to 40 seconds.

For the reasons set out below, Applicants respectfully traverse the Examiner's interpretation of Hossainy. Further, Applicants submit that even if the Examiner's interpretation of Hossainy is correct, the rejection is moot in view of this Amendment.

Applicant's Amendments

Applicants have amended each of claims 1, 8 and 11 to recite the ultrasonic nozzle as positioned a distance greater than 5 cm from the stents to be coated, so as to form the isotropically impacting micro-droplets. This limitation is inherent in Applicant's drawing Figure 1 and does not comprise new matter.

The Cited Art

In Example 6, Hossainy specifically states that containment of the ultrasonic spray in a plastic bag was for the purpose of eliminating air currents and slowing evaporation. Hossainy further states that the stents would be positioned a distance of 1.5 to 5 cm from the nozzle. Applicants submit that this configuration results in a flow of spray across the stents, and not the isotropic, micro-droplet deposition of the present invention. In order to achieve Applicant's claimed isotropic micro-droplet deposition, it is necessary that the ultrasonic spray nozzle be positioned a distance greater than 5 cm from the stents.

Applicant's claimed invention thus distinguishes over the Hossainy reference both in physical form and in operational result.

For all of the reasons described in Applicant's earlier amendment, applicant submits that Versteeg adds nothing to the fundamental lacking of Hossainy's teachings.

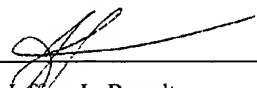
Applicant's Comments

The rejection of claims 1-4, 8 and 14 under 35 U.S.C. §103(a) as being unpatentable over Hossainy in view of Versteeg and the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over Hossainy in view of Versteeg and further in view of Tedeschi are submitted to be moot in view of this Amendment. As noted above, Applicant's amendments recite limitations that are structurally and functionally, as well as patentably, distinct from the teachings of the prior art.

In light of the above amendments and remarks, Applicants respectfully submit that the active claims in the present application are in condition for allowance. Accordingly, Applicants request entry of this Amendment and a timely allowance of the active claims.

Respectfully submitted,

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